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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,295	04/13/2004	Leonardo William Estevez	TI-36902 (1962-10700)	4575

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EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,295

Applicant(s)

ESTEVEZ ET AL.

Examiner

Ariel Balaoing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by MURRAY (US 6,484,033 B2).

Regarding claim 1, MURRAY discloses a method, comprising: accessing an electronic application on a handheld device (32-Figure 1) to determine a time and a location of an upcoming event (abstract; 176-Figure 11; 280-Figure 12; col. 12, line 56-col. 13, line 36); determining factors affecting travel time (178, 180-Figure 11; 282, 284-Figure 12; col. 12, line 56-col. 13, line 36); using said factors, determining an amount of travel time for a user to timely arrive at the upcoming event (196-Figure 11; 302-Figure 12; col. 13, lines 37-55); and providing an alert to the user based on said amount of travel time (198-Fig. 11; 304-Fig. 12).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses further comprising accessing a network to determine said factors (46-Figure 1; col. 4, lines 46-54).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses further comprising

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accessing GPS to determine a current location for the handheld device (77-Figure 1; col. 2, lines 31-41).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses further comprising determining an estimate of travel time necessary to travel from a handheld device's current location to the location of the upcoming event, wherein determining an amount of travel time comprises adjusting the estimate of travel time based on said factors (180, 196-Figure 11; 284, 302-Figure 12; col. 13, lines 37-55).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein using said factors comprises using at least one factor selected from the group consisting of traffic conditions, weather conditions, construction work, road work, deviations from scheduled airline flight times, low automobile fuel levels, and lack of user familiarity with a travel route (180, 196-Figure 11; 284, 302-Figure 12; col. 13, lines 37-55).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein providing an alert comprises providing a visual alert (col. 6, lines 51-59).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein providing an alert comprises providing an audible alert (col. 6, lines 51-59).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses comprising storing a current location of the handheld device in a memory (Figure 3).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses further comprising electronically communicating with at least one individual at the location of the upcoming event without user intervention (206-Figure 11; col. 13, lines 36-55).

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein electronically communicating comprises sending electronic mail, a voice message or a text message (206-Figure 11; col. 13, lines 36-55).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses further comprising electronically communicating with at least one individual at the location of the upcoming event upon user authorization (col. 14, line 65-col. 15, line 29).

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses further comprising determining a location for the handheld device at programmable intervals (184, 192, 198-Figure 11).

Regarding claim 13, MURRAY discloses a mobile communication device (abstract), comprising: a processor (98-Figure 2); a display coupled to the processor (104-Figure 2); a wireless module coupled to the processor (79, 92, 94-Figure 2); and a

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memory coupled to the processor (100-Figure 2), said memory comprising an electronic application and processor-executable code (108-Figure 2), said processor-executable code causes the processor to: access the electronic application to determine a time and a location of an upcoming event (abstract; 176-Figure 11; 280-Figure 12; col. 12, line 56-col. 13, line 36); obtain a current user location using the wireless module (abstract; 176-Figure 11; 280-Figure 12; col. 12, line 56-col. 13, line 36); obtain factors affecting travel time (178, 180-Figure 11; 282, 284-Figure 12; col. 12, line 56-col. 13, line 36); and using said factors, determine an amount of travel time for a user to timely arrive at the upcoming event (196-Figure 11; 302-Figure 12; col. 13, lines 37-55); wherein either the electronic application or the processor-executable code causes the processor to provide an alert on the display based on said amount of travel time (198-Fig. 11; 304-Fig. 12).

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the processor-executable code further causes the processor to determine an estimate of travel time from a current user location to the location of the upcoming event and to adjust the estimate based on said factors (180, 196-Figure 11; 284, 302-Figure 12; col. 13, lines 37-55).

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the processor-executable code causes the processor to access a network to obtain said factors (46-Figure 1; col. 4, lines 46-54).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein said factors comprise at least one factor selected from a group consisting of weather data, traffic data, construction work and changes in scheduled airline flight times (180, 196-Figure 11; 284, 302-Figure 12; col. 13, lines 37-55).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the processor-executable code causes the processor to store the current user location in the memory (Figure 3).

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event without user intervention (206-Figure 11; col. 13, lines 36-55).

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event upon user authorization (col. 14, line 65-col. 15, line 29).

Regarding claim 20 see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the processor

determines the current user location at programmable intervals (184, 192, 198-Figure 11).

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the wireless module comprises a GPS receiver (79-Figure 2).

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the wireless module comprises triangulation capability (column 2:lines 18-30).

Regarding claim 23, MURRAY discloses a system, comprising: a means for determining a current physical location of a portable device (abstract; 176-Figure 11; 280-Figure 12; col. 12, line 56-col. 13, line 36); a means for storing an adjustable user schedule (Figure 3); and a means for accessing the user schedule, for determining a travel time from the current physical location to a location of a scheduled event in the user schedule (abstract; 176-Figure 11; 280-Figure 12; col. 12, line 56-col. 13, line 36), and for adjusting said travel time based on travel factors to produce an adjusted travel time (178, 180-Figure 11; 282, 284-Figure 12; col. 12, line 56-col. 13, line 36).

Regarding claim 24, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses further comprising means for displaying the adjusted travel time to the user (104-Figure 3; Figure 10).

Regarding claim 25, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the means for

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determining a physical location of a portable device comprises a wireless access point (column 2:lines 18-30).

Regarding claim 27, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses wherein the means for storing comprises a server (76-Figure 1).

Regarding claim 28, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MURRAY further discloses further comprising means for determining the current location of the portable device at programmable intervals (184, 192, 198-Figure 11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 26 rejected under 35 U.S.C. 103(a) as being unpatentable over MURRAY (US 6,484,033 B2) in view of MYR (US 2001/0029425 A1).

Regarding claim 26, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, MURRAY does not expressly disclose wherein the means for network access comprises a General Packet Radio Service. MYR discloses wherein the means for network access comprises a General Packet Radio Service (paragraph 102). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify MURRAY in this way, as taught by MYR, as the GPRS protocol is more common in a dedicated intranet navigational environment.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

TOGNAZZINI (US 5,790,974) – Portable calendaring device

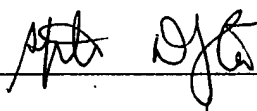
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing
Art Unit 2683
Patent Examiner

AB



STEPHEN DIGOSIA
Primary Exmr

11-26-05